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Attorney for Defendants

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF ALASKA

RALPH KERMIT WINTERROWD, 2ND

Plaintiff,

vs.

BRAD L. NELSON, ET AL.,

Defendants.

Case No.: 3:02-cv-00097-JKS

AFFIDAVIT OF PATRICIA ANDERSON

STATE OF ALASKA

THIRD JUDICIAL DISTRICT

)
) ss:
)

1. I, Patricia Anderson, am the paralegal assigned to this case. I have exchanged multiple emails with Mr. Winterrowd regarding discovery and scheduling of depositions. The emails are dated February 8, 2008 through June 26, 2008. True and accurate copies of those emails are attached hereto as Exhibit 1, which has 14 numbered pages.

2. Discussions regarding discovery and depositions are addressed in emails dated

1
2 dated February 8, 2008 through June 26, 2008, pages 1 through page 14.

3 3. I make this affidavit at the request of counsel and based upon my personal
4 knowledge.

5
6 
7 Patricia A. Anderson

8
9 SUBSCRIBED AND SWORN to before me this 4th day of September,
10 2008.



26

NOTARY PUBLIC FOR ALASKA
My Commission Expires: w/ office

June 08

Anderson, Patricia A (LAW)

From: Ralph Kermit Winterrowd 2nd [Ralph@jusbelli.com]

Sent: Thursday, June 26, 2008 6:06 PM

To: Anderson, Patricia A (LAW)

Subject: Re: Winterrowd v. Nelson

6/26/08

I don't remember.
ralph

On Jun 26, 2008, at 4:20 PM, Anderson, Patricia A (LAW) wrote:

6/26/08

Could be.

Have you ever had your deposition taken before?

Pat A.

From: Ralph Kermit Winterrowd 2nd [mailto:Ralph@jusbelli.com]

Sent: Thursday, June 26, 2008 4:19 PM

To: Anderson, Patricia A (LAW)

Subject: Re: Winterrowd v. Nelson

I am lacking enough information to talk for 5 hours - should be interesting, you think?

On Jun 26, 2008, at 12:42 PM, Anderson, Patricia A (LAW) wrote:

6/26/08

Mr. Winterrowd,

This is to confirm our telephone conversation today that you will be at your deposition tomorrow at the date, time, and place that was designated on your deposition notice, and that you will be able to stay for the allowed 7 hours for taking depositions (although we do not foresee it going past 5 hours).

Pat A.

Pat Anderson, Legal Assistant II
State Attorney General's Office
907 269-5128
Please note: My new address is
pat.anderson@alaska.gov

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Anderson, Patricia A (LAW)

June 08

From: Ralph Kermit Winterrowd 2nd [Ralph@jusbelli.com]
Sent: Thursday, June 26, 2008 12:09 AM
To: Anderson, Patricia A (LAW)
Subject: Re: Discovery

6/26/08

I plan on being there for an hour or so as no time was specified. I have two broken vehicles at this time, but have borrowed a pickup that hopefully I can use for a bit. I have been so busy - this case will start next week finally it looks like in earnest.

On Jun 25, 2008, at 2:22 PM, Anderson, Patricia A (LAW) wrote:

6/25/08

Mr. Winterrowd,

The below email included attachments of unsigned deposition notices for Kim Fitzgerald, and yourself, as a courtesy electronic copy. We sent the formal signed copies via mail to the address you gave us as a contact address (P.O. Box 877109). As noted below in my email, and in the notice that was attached, as well as the final signed copy, your deposition is this Friday, June 27th at 9:00 a.m. at the Palmer Borough Building, located at 350 E. Dahlia Avenue in Palmer. Their number is (907) 745-9684. The deposition will be in the lower level conference room. Please confirm that you will be there at the designated time.

Pat A.

From: Ralph Kermit Winterrowd 2nd [mailto:Ralph@jusbelli.com]
Sent: Tuesday, June 24, 2008 5:48 PM
To: Anderson, Patricia A (LAW)
Subject: Re: Discovery

6/24/08

What day is the deposition?

By the way, this notice does not meet the federal requirements for depositions.
ralph

On May 27, 2008, at 4:52 PM, Anderson, Patricia A (LAW) wrote:

5/27/08

Mr. Winterrowd,

Our last correspondence with you re your discovery responses to the State (the State's discovery requests dated September 25, 2007) was May 9, 2008. Your discovery responses are now almost 8 months overdue. Per that request, please send us your responses by the end of the month in order to avoid a motion to compel. Also, we have scheduled your deposition for June 27th at 9:00 a.m. at the Palmer Borough Building. Kim Fitzgerald's deposition is also scheduled for June 27th at the same location at 1:00 p.m. Please see attached notices. You will be receiving signed copies in the mail.

Pat Anderson

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Page 2 of 14

Pat Anderson, Legal Assistant II
State Attorney General's Office
907 269-5128
Please note: My new address is
pat.anderson@alaska.gov

<Depo Notice RW.doc><Depo Notice KF.doc>

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June 08

Anderson, Patricia A (LAW)

From: Anderson, Patricia A (LAW)
Sent: Wednesday, June 04, 2008 10:25 AM
To: Ralph Kermit Winterrowd 2nd
Subject: RE: Discovery and other docs

6/4/08

Mr. Winterrowd,

It seems under the circumstances, the best thing to do would be to put the responses to discovery, and any other documents you have, in the mail today. Hopefully we will receive it by Friday.

I agree the oil issue is a problem, we are all feeling the "crunch".

Pat A.

-----Original Message-----

From: Ralph Kermit Winterrowd 2nd [mailto:ralph@jusbelli.com]
Sent: Wednesday, June 04, 2008 9:54 AM
To: Anderson, Patricia A (LAW)
Subject: Discovery and other docs

6/4/08

I started to Wasilla yesterday afternoon and stopped by the Post Office at mile 7 on Knik Goose Bay Road in my van and picked up the mail. My van then quit working - the transmission, so I didn't get to Wasilla to get the notary done in time after I had a mechanic friend get the van to his shop and get me back home. I drive the van as it gets 20 mile/gallon and is much cheaper than my older diesel in fuel costs. Anyway, I will get this done today and then either mail it or drive it to Anchorage - takes me about \$40 in fuel to go to Anchorage any more with the increased costs - especially now that diesel is about 50 cents more per gallon than unleaded regular gas.

Why don't you use the influence of that AG and get the Governor and Legislators into fixing the problem. It was on the news yesterday that the inflated costs are due to speculators who jack up the price about 70%, so according to the news and the person that was testifying in front of Congress the cost of oil per barrel should be about \$40. I have several experts that know this for a fact, so what is the problem with the legislators and Congress - participating in the pecuniary benefits?

Later

Ralph

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May 08

Anderson, Patricia A (LAW)

From: Anderson, Patricia A (LAW)
Sent: Friday, May 30, 2008 12:24 PM
To: Ralph Kermit Winterrowd 2nd
Subject: RE: Discovery

5/30/08

Mr. Winterrowd,

We will be looking forward to your discovery on Tuesday then. Thank-you.

Pat A.

-----Original Message-----

From: Ralph Kermit Winterrowd 2nd [mailto:ralph@jusbelli.com]
Sent: Friday, May 30, 2008 12:06 PM
To: Anderson, Patricia A (LAW)
Subject: Discovery

5/30/08

I will be dropping off discovery and other docs. on Tuesday as I have to go to Anchorage.
ralph

Ralph Kermit Winterrowd 2nd
P.O. Box 877109
Wasilla, Alaska

907-357-8003 home
907-357-8007 fax
907-355-8304 Cellular
ralph@jusbelli.com

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May 08

Anderson, Patricia A (LAW)

From: Anderson, Patricia A (LAW)
Sent: Wednesday, May 28, 2008 2:48 PM
To: Ralph Kermit Winterrowd 2nd
Subject: RE: Discovery

5/28/08

Mr. Winterrowd,

O.K. Let us know what week you would like to set the depositions for the troopers and I will check everyone's calendar. It is in everyone's best interest to have our current discovery in before the depositions.

Pat A.

From: Ralph Kermit Winterrowd 2nd [mailto:Ralph@jusbelli.com]
Sent: Tuesday, May 27, 2008 10:27 PM
To: Anderson, Patricia A (LAW)
Subject: Re: Discovery

5/27/08

I will be finally getting into this case in a big way - been really busy with other issues IRS and Child Custody issues - I will be sending in the info and requesting interrogatories, etc. Need to setup time for deposing of troopers - will get this done in a day or so to you.
 ralph

On May 27, 2008, at 4:52 PM, Anderson, Patricia A (LAW) wrote:

5/27/08

Mr. Winterrowd,

Our last correspondence with you re your discovery responses to the State (the State's discovery requests dated September 25, 2007) was May 9, 2008. Your discovery responses are now almost 8 months overdue. Per that request, please send us your responses by the end of the month in order to avoid a motion to compel. Also, we have scheduled your deposition for June 27th at 9:00 a.m. at the Palmer Borough Building. Kim Fitzgerald's deposition is also scheduled for June 27th at the same location at 1:00 p.m. Please see attached notices. You will be receiving signed copies in the mail.

Pat Anderson

Pat Anderson, Legal Assistant II
 State Attorney General's Office
 907 269-5128
 Please note: My new address is
pat.anderson@alaska.gov

<Depo Notice RW.doc><Depo Notice KF.doc>

Ralph Kermit Winterrowd 2nd
 P.O. Box 877109

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Wasilla, Alaska

907-357-8003 home
907-357-8007 fax
907-355-8304 Cellular
ralph@jusbelli.com

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6/13/2008

7

march 08

Anderson, Patricia A (LAW)

From: Anderson, Patricia A (LAW)
 Sent: Wednesday, March 05, 2008 11:16 AM
 To: Ralph Kermit Winterrowd 2nd
 Subject: RE: Winterrrowd v. Brad Nelson

3/5/08

Mr. Winterrowd,

Understandable - one can not get very far these days without being connected.

If you plan on physically dropping off the interrogatories tomorrow, just leave them at the front desk with my name on it.
 Thanks. Pat A.

-----Original Message-----

From: Ralph Kermit Winterrowd 2nd [mailto:Ralph@jusbelli.com]
 Sent: Wednesday, March 05, 2008 10:55 AM
 To: Anderson, Patricia A (LAW)
 Subject: Re: Winterrrowd v. Brad Nelson

3/5/08

Thank you. My electric was disconnected yesterday and have it back today, so will be in town tomorrow with the interrogatories, court filings, etc. No power makes the difficult for the computer and printer to work.
 ralph

On Mar 4, 2008, at 2:57 PM, Anderson, Patricia A (LAW) wrote:

3/4/08

> Mr. Winterrowd,
 >
 > Sorry, that was a "too-quick-a-response" on my part. Yes, you are
 > suing the troopers individually. Brad Nelson is the Defendant
 > requesting discovery responses.

> Pat Andeson

> -----Original Message-----

> From: Ralph Kermit Winterrowd 2nd [mailto:Ralph@jusbelli.com]
 > Sent: Tuesday, March 04, 2008 11:12 AM
 > To: Anderson, Patricia A (LAW)
 > Subject: Re: Winterrrowd v. Brad Nelson

3/4/08

> Unfortunately, I didn't sue the "State of Alaska" which Judge
 > Singleton pointed out - I sued the troopers individually, so you are
 > still in error.
 > Please let me know whom/who is the Defendant that proffered these
 > Interrogatories, etc.

> ralph

> On Mar 3, 2008, at 1:13 PM, Anderson, Patricia A (LAW) wrote:

3/3/08

>> Mr. Winterrowd,

>>
 >> Thank-you for the "heads up" on the typographical error. I have
 >> checked over the discovery and of course, as you pointed out, the
 >> State of Alaska is the Defendant. That section of the discovery is a
 >> preliminary to the actual requests, and it is the only occurrence of
 >> the name in question. Please disregard the name "Jake Covey". State

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>> of Alaska is in the caption as the Defendant. By way of this email,
>> it corrects any possible misunderstanding. There is no need to stop
>> by for another copy.

>> Thanks again for pointing it out.

>> Pat Anderson.

>> -----Original Message-----

>> From: Ralph Kermit Winterrowd 2nd [mailto:Ralph@jusbelli.com]

>> Sent: Monday, March 03, 2008 12:59 PM

>> To: Anderson, Patricia A (LAW)

>> Subject: Winterrowd v. Brad Nelson

2/3/08

>> I will be Anchorage tomorrow to file into the USDC some motions.

>> As per the Interrogatories, would you please correct it and resend as

>> you have the Defendant a "Jake Covey" requesting the

>> Interrogatories, etc., which I am mystified as whom/who this is - are

>> you mixing up different cases or cut and pasting errors?

>> I will bring in the answers tomorrow with my own and more if you get

>> the corrected Interrogatories back today soon enough to assure that I

>> am working on the right thing here.

>> thanks.

>> ralph

>

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Anderson, Patricia A (LAW)

From: Ralph Kermit Winterrowd 2nd [Ralph@jusbelli.com]
Sent: Sunday, February 10, 2008 5:22 PM
To: Anderson, Patricia A (LAW)
Subject: Re: Winterrowd v. State

2/10/08

You discovery is a ruse and are you going to provide it or not. Need an answer Monday morning.
Are you the contact for all of the troopers?
Cyr - when available?
Ralph

On Feb 8, 2008, at 2:43 PM, Anderson, Patricia A (LAW) wrote:

2/8/08

Mr. Winterrowd,

Attached are the discovery requests that we sent you earlier.

Also, in regards to the upcoming depositions, the State would like to depose Kim Stephanie Fitzgerald. Could you please make available her address and phone number so can arrange a deposition time that would better work with her schedule. Thank-you.

Pat Anderson

Pat Anderson, Legal Assistant II
State Attorney General's Office
907 289-5128
Please note: My new address is
pat.anderson@alaska.gov

<State's 1st Discovery Requests.pdf>

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Anderson, Patricia A (LAW)

Feb. 08

From: Ralph Kermit Winterrowd 2nd [Ralph@jusbelli.com]
 Sent: Sunday, February 10, 2008 5:24 PM
 To: Anderson, Patricia A (LAW)
 Subject: Re: Winterrowd v. State

2/10/08

When will Cyr and others be available as we need to lengthen the timeframe it seems.
 I can do it whenever, but no depositions from me until SOA gives discovery as mandated.
 Ralph

On Feb 8, 2008, at 5:17 PM, Anderson, Patricia A (LAW) wrote:

2/8/08

Mr. Winterrowd,

I neglected to tell you in my prior email re discovery, that we of course will be wanting to take your deposition that first week in March. Can you give me some date and times that would work for you.

Thank-you
 Pat Anderson

Pat Anderson, Legal Assistant II
 State Attorney General's Office
 907 269-5128
 Please note: My new address is:
 pat.anderson@alaska.gov

Chief Justice Marshall, in the course of the debates of the Virginia State Convention of 1829--1830 (pp. 616, 619), used the following strong and frequently quoted language:

'The Judicial Department comes home in its effects to every man's fireside; it passes on his property, his reputation, his life, his all. Is it not, to the last degree important, that he should be rendered perfectly and completely independent, with nothing to influence or control him but God and his conscience? * * * I have always thought, from my earliest youth till now, that the greatest scourge an angry Heaven ever inflicted upon an ungrateful and a sinning people, was an ignorant, a corrupt, or a dependent Judiciary.'

In a very early period of our history, it was said, in words as true to-day as they were then, that 'if they (the people) value and wish to preserve their Constitution, they ought never to surrender the independence of their judges.' O'Donoghue v. United States, 289 U.S. 516, 532 (1933).

Notice: I am not a counsellor-at-law or attorney. All research materials provided are for you to check out and use at your discretion, and is protected under the right of free speech in all forms. I neither suggest that people file an Individual Income Tax Return or not file - that is a personal choice for each man/woman.

There are three lists that may be joined by the home page of www.jusbelli.com. There is a special e-mail list for \$120 per year donation that includes attachments - contact me via e-mail to join. Requires a minimum of 5 meg. of e-mail storage by your server.

I have a talk show on Republic Broadcasting accessible by going to <http://republicbroadcasting.org/> The show will be on Sundays (6PM - 8 PM CT). Call in is 1-800-313-9443. No longer available on shortwave.

Ralph

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Anderson, Patricia A (LAW)

Feb 08

From: Ralph Kermit Winterrowd 2nd [Ralph@jusbelli.com]**Sent:** Monday, February 11, 2008 5:41 PM**To:** Anderson, Patricia A (LAW)**Subject:** Re: Winterrowd v. State

Feb. 11, 08

Ms. Anderson:

I do not have the discovery that was supposedly sent as it was never sent. I require it. I got a small package that was a joke.

I will be filing in a motion to compel and if need be, sanctions.

I will be filing in a motion for an extension of the close of Discovery for a minimum of 3 months as it is obvious that the SOA will not cooperate in any manner with any essential discovery and this will probably require going back to the 9th on an interlocutory as Singleton will not assist me regardless of the rules probably.

Kim Fitzgerald
P.O. Box 877357
Wasilla, Alaska 99687
373-5126

I will instruct her - no deposition until the discovery is sent by SOA.

Ralph

On Feb 11, 2008, at 10:26 AM, Anderson, Patricia A (LAW) wrote:

Feb. 11, 08

Mr. Winterrowd,

We mailed out our discovery responses to you last Thursday, February 7th. If you have not received them yet, then possibly you will receive them today.

We have been in contact with Captain Casanovas, Trooper Cyr, and Brad Nelson. Trooper Cyr and Brad Nelson can be made available the first week in March. Captain Casanovas will be out of the State for training at that time. Captain Casanovas can be made available the 3rd week of March (17th through 21st).

We have yet to contact Kim Fitzgerald. Can you please provide us an address and phone number so she can be contacted.

Also, we will need your responses to the state's first discovery requests to you, before we can precede with the depositions. If you don't think that will be possible, then we will need to look at different dates for the depositions.

Pat A.

From: Ralph Kermit Winterrowd 2nd [mailto:Ralph@jusbelli.com]**Sent:** Sunday, February 10, 2008 5:22 PM**To:** Anderson, Patricia A (LAW)**Subject:** Re: Winterrowd v. State

Feb 10, 08

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Ralph

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Feb.08

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Pat Anderson, Legal Assistant III
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In a very early period of our history, it was said, in words as true to-day as they were then, that 'if they (the people) value and wish to preserve their Constitution, they ought never to surrender the independence of their judges.' O'Donoghue v. United States, 289 U.S. 516, 532 (1933).

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